

**REMARKS**

Presently, claims 1-39 are pending.

In this Amendment A, the numbering of the claims has been corrected to address the typographical error where two claims each numbered claim 11 were originally submitted. As such the originally submitted claims are now renumbered as claims 1-25, paralleling the examiner renumbering of the claims.

Claim 20 has been amended to correct a minor typographical error.

New claims 26-39 have been added. No new matter is added hereby.

Applicants are resubmitting the IDS and the 1449 document originally filed on September 3, 2002.

Also accompanying this Amendment A is a supplemental IDS.

Copies of the US patents and publications have not been included, however, copies of the remaining references are submitted in electronic form on an enclosed compact disk.

**The Provisional Obviousness-Type Double Patenting Rejections Are Mooted By Submission Of Appropriate Terminal Disclaimer**

Applicants have carefully considered the basis of the examiner's provisional rejection of claims 1-23 of the instant application under the judicially created doctrine of obviousness-type double patenting over claims 1-19 of co-pending application No. 10/066,964 and the provisional rejection of claims 1-25 under the judicially created doctrine of obviousness-type double patenting over claims 1-8 and 10-18 of co-pending application No. 10/066,836. Although Applicants disagree with the appropriateness of this rejection, we have elected to submit the requested terminal

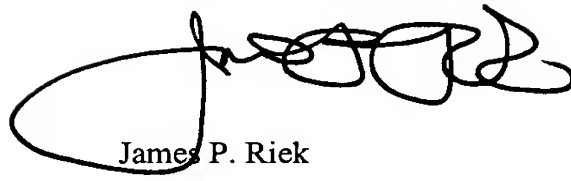
disclaimers. In light of the terminal disclaimers filed herein, these rejections are overcome and should be withdrawn.

Applicants point out that the included terminal disclaimers have no effect on the actual term of any patent resulting from this application. The patents resulting from each of the disclaimed cases would have expired on the same date as a patent issuing from this application, even in the absence of the disclaimer. In filing these disclaimers, applicants specifically reserve the right to address any double patenting/obviousness issues in the future, whether or not mentioned in this Amendment, should the need arise. Applicant makes particular note of MPEP 804.02 II and established case law findings of the Federal Circuit, in Quad Environmental Technologies v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991), that the filing of a terminal disclaimer to obviate a rejection based on a non-statutory double patenting is not an admission of the propriety of the rejection. The filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.

In light of the terminal disclaimers filed herewith, all issues raised by the examiner in the Official Action have been addressed. Further, it is submitted that the newly added claims raise no new issues of patentability. As such, all the claims are asserted to be in a condition for allowance. Applicant requests that a timely Notice of Allowance be issued in this case. If any matters exist that preclude issuance of a Notice of Allowance, the examiner is requested to contact the applicant's representative at the number indicated below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sections 1.16 and/or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James P. Riek', written over a horizontal line.

Dated: 29 Oct 2003

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